

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN MCBREARTY; CARL MCBREARTY;
and NINA MCBREARTY,
Plaintiffs

v.

CIVIL ACTION NO. 02-4553

DELAWARE COUNTY SHERIFFS
DEPARTMENT; NORWOOD BOROUGH
POLICE DEPARTMENT; and DELAWARE
COUNTY; and MEDIA BOROUGH,
Defendants

**SELF-EXECUTING DISCLOSURE STATEMENT OF
DEFENDANT, NORWOOD BOROUGH POLICE DEPARTMENT**

I. INTRODUCTION:

1. Disclosing Defendant submits this Disclosure Statement without waiver of any applicable privilege.
2. Disclosing Defendant expressly reserves the right to object to the admissibility at trial of any information contained in or derived from this Disclosure Statement.
3. Disclosing Defendant does not concede the relevancy of any information contained in or derived from this Disclosure Statement.
4. Disclosing Defendant disclaims the need to supplement this Disclosure Statement beyond the requirements as set forth in the Civil Justice Expense and Delay Reduction Plan.
5. Disclosing Defendant expressly reserves the right to rely upon the individuals identified in this Disclosure Statement for subjects other than those identified herein in response to the Disclosure Statement of other parties, the evidence and/or testimony.

The above Defendant, Norwood Borough Police Department, by and through their attorneys, Margolis Edelstein, makes the following Self-Executing Disclosure Statement pursuant to Section 4:01 of the Civil Justice Expense and Delay Reduction Plan:

A. Witnesses reasonably likely to have the information concerning the claims and/or defenses in this action:

1. Belinda McBrearty.
2. John McBrearty.
3. Carl McBrearty.
4. Nina McBrearty.
5. Michael Raffaele, Esquire.
6. Sam Zavilli.
7. John J. Wills.
8. Norwood Borough Police Officer, Charles Cardell, Jr.
9. Norwood Borough Police Officer, William Manning, II.

B. Documents, etc. in Defendant's custody or control:

1. Order of July 2, 2001, signed by Judge Maureen F. Fitzpatrick.
2. Order of March 13, 2002, signed by Judge Ann A. Osborne.
3. Order of March 13, 2002, signed by Judge Ann A. Osborne.
4. Letter from John McBrearty to Delaware County Executive Director, Maryanne Grace, dated March 4, 2002.
5. Three phone call messages of March 12, 2002, March 18, 2002 and July 10, 2003.
6. Sheriff's Service 96-9287 mis-captioned at 97-9287 dated 3/13/02.
7. Petition for Protection from Abuse 0203145, Belinda McBrearty against John and Carl McBrearty.
8. Petition for Protection from Abuse, Belinda McBrearty against John McBrearty.
9. Letter from Kathleen Piperno, Esquire, to the Sheriff of Delaware County dated 3/7/02.

10. Weapon's receipt/Sheriff's Office dated 3/13/02.
11. Final Order of the Court signed by Judge Barry C. Dozier, dated March 21, 2002.
12. Norwood Borough Department Complaint report dated 7/9/02.
13. Incident report dated 7/9/02.
14. Incident supplemental report dated 7/9/02.

All documents listed above have been sent to all counsel and are attached to the 12(b)(6) Motions filed by the Defendant and Co-Defendants.

C. Insurance Agreement:

A request has been made for a copy of a declarations page which will be forwarded to all parties upon receipt.

Respectfully submitted,

MARGOLIS EDELSTEIN

By: _____

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Attorney for Defendants,
Norwood Borough Police Department

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Self-Executing Disclosure Statement of Defendant, Norwood Borough Police Department, has been served this 12th day of August, 2003, by first-class United States mail, postage pre-paid, addressed as follows:

John McBrearty
928 Delview Drive
Folcroft, PA 19032
Plaintiff, *pro se*

Nina McBrearty
Amosland Road
Rosedale Apartments
Holmes, PA
Plaintiff, *pro se*

Carl McBrearty
928 Delview Drive
Folcroft, PA 19032
Plaintiff, *pro se*

Thomas C. Gallagher, Esquire
Holsten & Associates
One Olive Street
Media, PA 19063

Carl J. DiCampli, Esquire